

Appl. No. 09/776,309
Amdt dated March 8, 2005
Reply to Office action of January 14, 2005

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration and allowance of the pending claims. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

Claims 1-16 remain in prosecution. Claims 1-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isensee et al. (U.S. Pat. No. 5,815,153) and further in view of Arzoumanian (U.S. Pat. No. 5,963, 637). Claims 1, 9 and 16 have been amended to clarify the present invention and also correct an antecedent basis issue with claim 9, no new matter has been added.

Applicant respectfully traverses the rejection of claims 1-16, given that one of ordinary skilled in the art would not combine the two cited references. In the final office action it was stated in paragraph 4 that, "For example, the computer system of Isensee could be a laptop portable with the ability to provide an intuitive GUI to the user while allowing the user to acoustically couple dial tones into a standard pay-phone." However, the Isensee reference for example at col. 4, lines 3-4 specifically teaches away from using a physical handset where it states "The present invention allows a user to answer and place calls without picking up a physical handset (emphasis added)." This simply would not be the case in the noted hypothetical combination.

Not to mention the confusion a potential user of the hypothetical combined structure mentioned in the final office action would have given that the telephone GUI in Isensee (see FIG. 4) includes a handset 202. Virtual handset 202 would be rendered useless in the mentioned hypothetical structure and features such as clicking on handset 202 to answer a telephone call would be rendered non-operational given that the pay phone handset would be the only one that could be picked up to answer the call in the hypothetical design mentioned in the final office action. Further reason why one of ordinary skill in the art would not combine the teachings of Isensee with those of Arzoumanian. The hypothetical

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combination mentioned in the office action as a reason for the combination goes against the goal of Isensee of having "a direct correlation between the action that a user of the present invention implements and the real world action that a person placing a telephone call on a physical telephone will make (see col. 8, lines 53-56 in Isensee). That is a main reason why one of ordinary skill in the art would not add the acoustic coupling/DTMF dialing feature of Arzoumanian with the object oriented telephone design of Isensee.

Since the references taken individually or in combination fail to provide one of ordinary skill in the art any motivation to combine the references, claims 1-16 are believed to be in condition for allowance. Simply taking one aspect of one reference and combining it with another reference without any motivation to combine the references amounts to improper reconstruction. Given that the two cited references teach away from each other in what they are trying to accomplish as discussed above, one of ordinary skill in the art would not have found any motivation to combine the references to yield what is claimed by the Applicant.

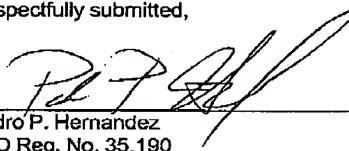
In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for

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net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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